

FIFTY-SEVENTH DAY

(Tuesday, April 25, 1939)

The Senate met at 10:00 o'clock, a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Aikin, by unanimous consent, submitted at this time the following reports of the Committee on Education:

Austin, Texas,
April 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 118, A bill to be entitled "An Act amending Article 7043 of the Revised Civil Statutes of the State of Texas, as amended Acts 1931, Forty-second Legislature, Second Called Session, Page 53, Chapter 32, Section 1, and declaring an emergency,"

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,
April 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 326, A bill to be entitled "An Act ratifying, confirming, and validating all acts and orders, and attempted acts and orders, of County School Trustees, Boards of County School Trustees, County Boards of Trustees, County Boards of School Trustees, Commissioners' Courts, Boards of Trustees of Common, Independent, and County Line School Districts, and all elections and attempted elections of Common, Independent, and County Line School Districts, relating to the laying out, establishment, combining, abolishing, changing of boundaries, detaching territory from, or annexing territory to, any such school districts, except where contests of same may be pending at the time this Act becomes effective, and except where contests of same may be brought within three (3) months after this Act becomes effective; and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be printed as amended.

AIKIN, Chairman.

Austin, Texas,
April 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 274, A bill to be entitled "An Act designating the office of the State Treasurer of Texas at Austin as the place of payment of bonds of political subdivisions of the State together with the interest coupons attached to such bonds when the same are or have been purchased for or on behalf of the Permanent Free School Fund of Texas; defining cer-

tain words and phrases used in this Act; declaring the act to be severable, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Roberts, by unanimous consent, submitted at this time the following reports of the Committee on Finance:

Austin, Texas,
April 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 926, A bill to be entitled "An Act appropriating the sum of Eight Hundred and Fifteen Thousand Dollars (\$815,000.00) per year, or so much thereof as may be necessary for the next biennium beginning September 1, 1939, and ending August 31, 1941, from the General Revenue Fund for the purpose of promoting public school interests and assisting local districts in the teaching of vocational agriculture, home economics, trades and industries, general rehabilitation and rehabilitation for crippled children according to the Federal laws governing vocational education, all of which shall be matched by Federal Funds; providing for the administration, attaching conditions, regulations, and limitations relative thereto, making various allocations of said appropriations; providing all costs of administering funds named in this Act shall be paid out of moneys appropriated in this Act under authority of the State Superintendent of Public Instruction under the direction of the State Board of Education; defining the powers of the State Board of Education and the State Superintendent; providing no payments shall be made for professional services rendered to crippled children where the charge is made by hospital, institution or clinic; providing certain requirements for applications; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the committee substitute at-

tached hereto do pass in lieu thereof and be printed.

ROBERTS, Chairman.

Austin, Texas,
April 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 933, A bill to be entitled "An Act appropriating Five Million, Six Hundred and Thirty Thousand Dollars (\$5,630,000) per year, or so much thereof as may be necessary, for the biennium beginning September 1, 1939, and ending August 31, 1941, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State; providing for the allotment and expenditure by the State Superintendent of Public Instruction of such funds under the direction and advice of a special Senate-House Advisory Committee; . . . etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the committee substitute attached hereto do pass in lieu thereof and be printed.

ROBERTS, Chairman.

Austin, Texas,
April 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 305, A bill to be entitled "An Act making an appropriation of Nine Thousand Five Hundred (\$9,500.00) Dollars to be used by the Attorney General of Texas for the purpose of paying expenses and costs in enforcing the laws of Texas against trusts, monopolies and restraints of trade, including the pending suit against various cement manufacturers; providing for the approval of vouchers against said appropriation; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mentation that it do pass and be printed.

ROBERTS, Chairman.

Senate Bill 194 on Passage to Engrossment

The President laid before the Senate, as unfinished business, on its passage to engrossment (the bill having been read second time on yesterday):

S. B. No. 194, A bill to be entitled "An Act to amend Article 5057a of the Revised Civil Statutes of 1925, as amended by S. B. No. 12, Chapter 190, Acts of the Regular Session of the Fortieth Legislature, so as to provide for the manner in which fire insurance companies and casualty insurance companies incorporated under the laws of this State shall render their property for taxation; providing where such property shall be rendered for taxation; and declaring an emergency."

With the following amendment by Senator Small pending:

Amend S. B. No. 194 as follows:

Strike out of lines 60 and 61 the following: "and all other debts due and payable"

Question—Shall the amendment be adopted?

Senator Collie offered the following amendment to the amendment:

Amend the amendment by eliminating the following words immediately preceding the quoted words: "and claims" on line 60.

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Small offered the following amendment to the bill:

Amend S. B. No. 194, page 2, line 1, by adding after the word "estate" the following: "furniture, fixtures, and automobiles" and by striking out the term "real estate" and insert in lieu thereof the word "property".

(President Pro Tempore Moore in the Chair.)

The amendment was adopted.

Senator Small offered the following amendment to the bill:

Amend S. B. No. 194, line 3, page 2, after the word "all" by adding the word "other".

The amendment was adopted.

The bill then was passed to engrossment.

Senate Bill 194 on Third Reading

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 194 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Shivers
Cotten	Small
Graves	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Weinert
Metcalfe	Winfield
Moffett	

Nays—3

Aikin	Sulak
Hardin	

Absent

Head	Roberts
Martin	Van Zandt
Redditt	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

On motion of Senator Graves, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill was passed.

Record of Vote

Senator Aikin asked to be recorded as voting "nay" on the passage of the bill.

Senate Bill 148 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 148, A bill to be entitled "An Act to amend Articles 3516 and 3517 of R. C. S. of 1925, providing the manner in which claims shall be presented to executors or administrators."

The bill was read second time.

On motion of Senator Graves, the bill was tabled subject to call.

Senate Bill 124 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 124, A bill to be entitled "An Act which provides for the prevention and control of disease; defining certain terms; giving the State Health Officer and the State Board of Health authority to promulgate orders, rules and regulations for the protection of the public health; repealing all of the old State Sanitary Code known as Chapter IV, Article 4477 of the Revised Civil Statutes of Texas of 1925, save and except Senate Bill No. 46, Acts of 1927, Fortieth Legislature, First Called Session, page 116, Chapter Forty-one, as amended by Senate Bill No. 20, Acts of 1929, Forty-first Legislature, First Called Session, page 7, Chapter 4, which same is known as "The Vital Statistics Law", and rules 77, 78, 79, 80, 81, 83, 85, and 86 known as that section on "Transportation of Dead Bodies", and shall remain in full force and effect; and repealing all laws, articles, sections, and subdivisions of laws which conflict or are inconsistent with this Act; prescribing a penalty, and declaring an emergency."

The bill was read second time.

On motion of Senator Kelley, the bill was tabled subject to call.

Bills Signed

The President Pro Tempore signed, in the presence of the Senate, after their captions had been read, the following enrolled bills:

S. B. No. 434, "An Act authorizing the Board of Control and Governor to execute deed and effect sale and transfer of one-half ($\frac{1}{2}$) acre of land in

Upshur County, Texas; describing said land by metes and bounds; providing for deed and mode and manner of executing same; providing for consideration of said deed, and declaring an emergency."

S. B. No. 392, "An Act authorizing cities eligible under the terms of this Act to fund certain indebtedness outstanding on January 1, 1939, prescribing the method and procedure for issuance of funding bonds and warrants; validating such outstanding indebtedness not in litigation at the time this Act becomes effective; providing that this Act shall be cumulative of all other Acts but that its provisions shall prevail in the event of conflict with other laws; enacting provisions incident to and relating to the subject, and declaring an emergency."

"S. B. No. 334, "An Act authorizing the Commissioners' Court of McMullen County to pay bounties on coyote scalps in McMullen County to preserve game in said county; enacting the necessary regulations in reference thereto; and declaring an emergency."

S. B. No. 443, "An Act creating county-wide equalization school districts in all counties containing a population of not less than Thirty-five Thousand (35,000) nor more than Sixty-seven Thousand Five Hundred (67,500) according to the last preceding Federal Census, and containing a valuation of Seventy-five Million Dollars (\$75,000,000), or more, according to the last approved tax rolls for state and county purposes; providing for the vesting of the general management, supervision, and control of the public schools and educational interests of such counties in the County Board of School Trustees and constituting such trustees as the Board of Trustees for such county-wide equalization districts; making provision for the levying of an equalization tax of not to exceed Twenty-five (25) Cents on One Hundred Dollars (\$100.00) valuation of property situated within the county; providing for the holding of an election in each county on the question of levying such equalization tax and providing for the assessment and collection of such taxes by the

County Tax Collector, prescribing his duties and compensation; making provision to constitute the County Superintendent as Treasurer of the county-wide equalization district and prescribing his duties, designating the county depository as the depository for such district; prescribing the duties of the County Board of Trustees with respect to such tax and funds derived therefrom; providing that the Act shall not have the effect of changing any duties or powers imposed upon the Trustees of any common or independent school districts except as expressly provided in the Act; providing a saving clause; repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 264, "An Act granting permission to Mount Olivet Cemetery Company, a private corporation chartered under the laws of this State, and to bring and prosecute suit against the State of Texas and the State Highway Commission of Texas in any court of competent jurisdiction in Tarrant County, Texas, to ascertain the amount, if any, due the Mount Olivet Cemetery Company for damages alleged to have been sustained by reason of the construction and maintenance of the State Highway and the overpass on said State Highway which runs in a general easterly and westerly direction on the north side of the cemetery belonging to and operated by the Mount Olivet Cemetery Company in Tarrant County, Texas, said Highway being known as State Highway No. 15, and for the breach or violation of any contract or agreement between said corporation or its agents and the State of Texas or State Highway Commission, or their agents, acting alone or in conjunction with the agents of Tarrant County, Texas; that said suit shall be tried according to the rules of law and equity and procedure as would be applicable if the suit were one by and between citizens of the State of Texas or by and between private corporations; providing for a right of appeal by either party and for the joinder of other proper or necessary parties; providing for the service of citation on the State and the Highway Commission, and how the judgment, if any, recovered, shall be paid, and providing the time in which such suit may be brought, and providing that the State of Texas

and the State Highway Commission may plead any defense available to it, except the Statute of Limitation, and declaring an emergency."

S. B. No. 326, "An Act to amend Chapter 184 of the Regular Session of the Forty-fourth Legislature, creating the Texas National Guard Armory Board and defining its powers and duties as amended by Chapter 366 of the Regular Session of the Forty-fifth Legislature, creating a Board to be composed of five members; defining its powers and duties; defining the length of term of the membership of said Board; providing that all property and all lease contracts of the former Board shall pass to the new Board and that the obligations of the old Board in connection therewith shall be assumed and performed by the new Board; describing the characteristics of the securities issued and sold by the Board; permitting the Armory Board to construct buildings on sites in Camps Mabry, Hulen and Wolters; providing that a finding of unconstitutionality of any part of this Act shall not affect the validity of the remainder and declaring an emergency."

S. B. No. 191, "An Act amending Section 67 of Chapter 61, Acts of the Second Called Session of the Forty-first Legislature, relating to foreign building and loan associations doing business in this State; and declaring an emergency."

S. B. No. 420, "An Act prescribing the method for the annexation of unoccupied territory contiguous and adjacent to the city limits of certain incorporated cities or towns, on petition of the owners of all such territory; providing for the recording of such petitions, and declaring an emergency."

S. B. No. 214, "An Act amending Article 1645 of the Revised Civil Statutes of Texas of 1925, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session, and as amended by Acts of the Forty-fifth Legislature, First Called Session; by adding thereto Article 1645d 2, fixing the compensation of the County Auditors of every County having a population of not less than forty-nine thousand one hundred (49,100 and not more than fifty-one thousand (51,000) inhabitants, according to the 1930 Federal Census, and prescribing how same

shall be paid, repealing all laws in conflict therewith and declaring an emergency."

S. B. No. 340, "An Act granting permission to I. H. Mitchell and wife, Mrs. I. H. Mitchell, to bring suit against the State of Texas and the Department of Public Safety of the State of Texas in a court of competent jurisdiction for alleged damages resulting by reason of alleged injuries to the automobile of the said I. H. Mitchell and to the person of Mrs. I. H. Mitchell by reason of an alleged accident due and owing to the alleged carelessness and negligence of Carroll Monroe in Palo Pinto County on or about November 25, 1936, which said Carroll Monroe was an officer, member, agent, employee, and servant of the Texas Highway Patrol and the Department of Public Safety of the State of Texas; providing that any judgment so recovered may be paid out of the funds of the Department of Public Safety of the State of Texas; providing that if any provision of this Act shall be invalid, the validity of the other provisions thereof shall not be affected thereby; and declaring an emergency."

S. B. No. 272, "An Act to repeal Section 17 of Article 8308, Revised Civil Statutes of 1925, [relating to workmen's compensation insurance] and declaring an emergency."

S. B. No. 269, "An Act amending Article 4006 of the Revised Civil Statutes of Texas of 1925, relating to granting of free passes, and declaring an emergency."

S. B. No. 24, "An Act amending Subdivision (a) of Section 9 of Article IV of Chapter 495 of the Acts of the Third Called Session of the Forty-fourth Legislature, so as to limit the operation of said Subdivision to purchase money notes and obligations secured by any written instruments evidencing a lien or retention of title which are filed or recorded in the office of the county clerk under the registration laws of this State, and to exempt from its provisions notes and obligations or instruments securing same taken by or on behalf of the State of Texas or any corporate agency or instrumentality of the State of Texas, in carrying out a governmental purpose as expressed in any act of the Legisla-

ture of the State of Texas, and declaring an emergency."

S. B. No. 428, "An Act to amend Article 5790 of the Revised Civil Statutes of Texas, 1925, relating to the powers of the Adjutant General of the State of Texas; and declaring an emergency."

S. B. No. 352, "An Act amending Section 7, Article 8306, Part 1, Title 130, Revised Civil Statutes of 1925 by extending period for which medical aid shall be provided not exceeding ninety-one (91) days when authorized by Board, and declaring an emergency."

S. B. No. 425, "An Act amending Article 2940, Chapter 3, Title 50 of the Revised Civil Statutes of 1925 so as to provide that no one shall act as chairman or as member of any District, County or City Executive Committee, who has not paid his poll tax, or who holds any office of profit or trust in either the United States or this State, or in any city or town in this State; omitting the State or National Executive Committees; repealing all laws in conflict; and declaring an emergency."

S. B. No. 421, "An Act to amend Article 1323 of R. C. S. of 1925, as amended by H. B. No. 626, Chapter 235, Acts of the Regular Session of the Fortieth Legislature, as amended by S. B. No. 129, Acts of the Regular Session of the Forty-sixth Legislature, so as to provide for the length of terms which directors may be elected to and serve for corporations formed under Subdivision 7 of Chapter 1, Title 32, R. C. S. of 1925, repealing all laws in conflict herewith and declaring an emergency."

S. B. No. 426, "An Act to amend Article 5885 of the Revised Civil Statutes of Texas, 1925, so as to define the assistance which Counties, Cities and Towns may render to the National Guard, validating certain donations heretofore made, and declaring an emergency."

S. B. No. 154, "An Act to amend the Acts of 1925, Thirty-ninth Legislature, page 86, Chapter 25, Section 77, as added to by Acts of 1929, Forty-first Legislature, page 578, Chapter 280, Section 9, Article 7880-77a, by re-enacting section (b) under said section 77a of Article 7880 of the Revised Civil Statutes of 1925, so that limitation shall not run or be pleaded

against any taxes or assessments provided for in Section 106, 107, 108 and 109 of Chapter 25, the specific purpose of this Act being to re-enact said section (b) which has been held invalid by the United States District Court, in Re: American Rio Grande Land and Irrigation Company, D. C., 21 Federal Reporter Supp. 492, because the provision therefor was not set forth in the caption of the bill wherein said section (b) was enacted, and declaring an emergency."

S. B. No. 185, "An Act to extend to August 31, 1939, all provisions relative to the expenditure of funds already collected under the provisions of S. B. No. 47, Acts 1937, Forty-fifth Legislature, and declaring an emergency."

S. B. No. 381, "An Act to amend Article 880, H. B. No. 111, Acts of the Second Called Session, Forty-fifth Legislature, relating to the use of dogs in the hunting or pursuing or taking of any deer in certain counties; and declaring an emergency."

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 1001, A bill to be entitled "An Act conveying to the United States of America the free and uninterrupted use, liberty, and easement of, in, and to that certain area of three (3) miles square or larger in Nueces County Navigation District, in Nueces Bay, in Nueces County, Texas, for the erection and establishment of forts, military stations or camps, magazines, arsenals, dock yards, barracks, light houses, navy yards, naval bases, naval air bases or stations, channels, approaches for battleships, or for other needful military purposes; providing for failure or refusal for the erection of such forts, stations, arsenals, naval bases, naval air bases, or stations, and other needful military structures; providing for the conveyance by the Governor of Texas of

such area; providing for the retention of all oil, gas and minerals; making such conveyance subject to the limitation of certain statutes of the State; providing approval by the Legislature of such conveyance; providing for the reversion of said area to the State of Texas under certain contingencies, and declaring an emergency."

H. B. No. 1004, A bill to be entitled "An Act providing and directing County Clerks, District Clerks, and other officials to issue certificates and certified copies of instruments in their respective offices to ex-service men of the World War and the Spanish-American War where such certificates and copies of instruments are necessary to be used in furthering claims and establishing proof of such ex-service men to such claims for compensation, and other claims to be established; defining ex-service men; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 792, A bill to be entitled "An Act to amend Article 6053 of the Revised Civil Statutes of Texas of 1925 by providing regulations for the design, installation, construction and operation of containers and pertinent equipment for the storage, handling and transportation of butane or liquefied petroleum gases, empowering the Railroad Commission to alter and amend such regulations; providing that persons, firms and corporations engaged in the manufacture and/or assembly, sale or installation of liquefied gas storage and dispensing apparatus, and/or handling and/or transporting liquefied petroleum gas must have a license and must file with the Railroad Commission of Texas a bond protecting the public from injuries or loss arising from a violation of this Act; providing for filing an additional bond and/or additional security upon order of the Railroad Commission; providing for hearings on matters relating to the subject of this Act and on complaints filed against licensees hereunder; providing for attendance of witnesses at such hearings and rules for appeals from the decision of the Railroad Commission; providing that funds derived from fees shall be used for the administration and enforcement of this Act and that any excess remaining shall go to the General Fund; providing for the giving of notice to utilities and licensees

by the Commission of the proposed rules and regulations to be adopted and promulgated and the filing of written exceptions and objections by parties affected by such rules and regulations; providing that if any clause, provision, section or part of this Act shall be adjudged invalid, the remainder of this Act shall not be affected thereby, and declaring an emergency."

H. B. No. 938, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot or kill any deer and or wild turkey for a period of three (3) years in Taylor County, Texas; fixing penalties, and declaring an emergency."

H. B. No. 946, A bill to be entitled "An Act providing that in certain counties that is shall be unlawful for any person to trap or set a trap or deadfall on the inclosed or uninclosed land of another without the consent or permission of the owner of said land, and so that it shall be unlawful for any person, at any time, to trap or kill upon the posted or inclosed or uninclosed land of another, or be in possession of a muskrat or other furbearing animal or the hide of such animal, taken from such land, without the consent of the owner or lessee of such land; providing a penalty, and declaring an emergency."

H. B. No. 958, A bill to be entitled "An Act providing for a budget system in counties of 350,000 inhabitants or more as shown by the last preceding Federal Census, and the procedure thereunder, and the enforcement thereof, and for reports with respect to said budget, and the finances of said Counties; and providing for the contents of said reports and their publication; and repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 960, A bill to be entitled "An Act to create a police pension system for all cities in this State having a population in excess of 290,000, according to the preceding or any future Federal Census; providing for the creation of a policemen's relief and retirement fund for such cities; providing that said fund shall be administered by a pension board; providing who shall participate in said pension fund; providing how said pension board shall be constituted, ap-

pointed, and organized, and providing the duties of said pension board; providing that the city treasurer shall be the treasurer of such fund, and defining his duties; providing that a per capita contribution of members of such police departments shall be paid into said fund, and providing for the proportionate reductions in salary for the purpose of making such contribution; providing for the segregation of a portion of general pension funds on hand to be allocated to said police pension funds; providing authority for members of such police departments to assign past due salary to said fund; providing that such cities may make appropriations from the general fund into said pension fund, and providing other methods for the raising of moneys for said pension fund; providing authority for investing moneys of said pension fund; providing that no benefit shall be paid out of any such fund prior to January 1st, 1942; providing for the payment of a retirement pension and the issuance of retirement pension certificates; providing for the payment of total and permanent disability benefits and the issuance of certificates thereof; providing for the payment of benefits to certain relatives and dependents in the event members of such police departments shall die as a result of injuries or sickness incurred in line of duty; providing for payments to certain relatives and dependents in the event of the death of pensioners or those entitled to pensions; providing for refunds to members who leave such police departments; providing for reductions in benefits in the event of depletion of such pension fund; providing for legal service and the employment of an actuary; providing for the exemption from legal process, and other protection for such pension funds; providing a savings clause; providing a method of construction of this Act, and declaring an emergency."

H. B. No. 962, A bill to be entitled "An Act amending Article 2843 of the Revised Civil Statutes of the State of Texas, providing for a uniform free text book system, and declaring an emergency."

H. B. No. 963, A bill to be entitled "An Act amending Article 768 of the code of criminal procedure of the State of Texas of 1925, as amended by Senate Bill No. 261, Chapter 86,

page 129, Acts of the Regular Session of the Forty-second Legislature, 1931, vesting in trial judges discretionary authority to credit defendants in criminal case with the time spent in jail awaiting trial; and providing and vesting in trial judges discretionary authority to credit defendants in criminal cases with time spent in jail after trial and conviction, in all cases where defendants fails to give bond or enter into recognizance; providing such discretion shall not apply to cases where bond and/or recognizance is not permitted by law, and declaring an emergency."

H. B. No. 969, A bill to be entitled "An Act to amend Article 1006 of the Code of Criminal Procedure of Texas of 1925, Title 14, by providing for the payment of expenses in extradition cases; authorizing counties to pay certain expenses; and declaring an emergency."

H. B. No. 981, A bill to be entitled "An Act repealing Section 5 of House Bill No. 1035, Acts of the Regular Session of the Forty-fifth Legislature regulating fishing in Wood County, and declaring an emergency."

H. B. No. 987, A bill to be entitled "An Act to create and establish a perpetual, public charitable, non-profit Body Corporate, to be denominated 'Navarro Community Foundation,' domicile at Corsicana, Navarro County, Texas, of which Frank Neal Drane, now deceased, was the initial patron-donor; naming the trustees of said Foundation; empowering said Foundation to extend its aid to any one or more or all of the following public charitable purposes: (1) Religion, (2) education, (3) relief of human suffering, (4) public civic betterment, (5) relief of the worthy poor through organized agencies, (6) the aid of scientific endeavor for the betterment of mankind; empowering said Navarro Community Foundation to own, acquire and dispose of property in furtherance of its purposes, and authorizing it to sue and be sued in its corporate capacity; extending its facilities to and inviting the aid of other patron-donors inclined to support its charitable purposes; providing that its Board of Managing Trustees shall be self-perpetuating and shall never be less than five (5) nor more than thirteen (13) in number; defining the

powers and duties of members of the Board of Managing Trustees; providing for the absorption, merger, consolidation, dissolution and/or liquidation of Navarro Community Foundation; declaring this Act to be a public one, judicial notice of which shall be taken in all courts; exempting from taxation the properties and assets, income and corpus, of Navarro Community Foundation, and declaring an emergency."

H. B. No. 988, A bill to be entitled "An Act amending Article 36 of the Revised Penal Code of the State of Texas, 1925 Revision, providing and naming when intoxication and use of narcotics shall mitigate the offense, and declaring an emergency."

H. B. No. 989, A bill to be entitled "An Act to amend Article 1923 of the Revised Civil Statutes of Texas of 1925, concerning the extension of terms of District Courts, so as to provide for the extension of the term of any trial court of record, and providing the procedure for extension and adjournment, and declaring an emergency."

H. B. No. 991, A bill to be entitled "An Act making it unlawful to shoot, take, trap, snare or otherwise kill any wild quail in Camp County, Texas, other than on Friday of each week during the open season and on legal holidays, during such period, affixing penalty for violation thereof; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 996, A bill to be entitled "An Act applicable to the County of Kimble, State of Texas, providing the method for taking fish from the public waters of Kimble County, Texas; providing the daily bag limit of fish; providing for a closed season in said County; providing penalties, and declaring an emergency."

H. B. No. 997, A bill to be entitled "An Act applicable to the County of Kerr, State of Texas, providing the season for taking or attempting to take fish from the fresh public waters of said County, or the tributaries of said waters, and providing suitable penalty for violating any provision of this Act, and declaring an emergency."

H. B. No. 1000, A bill to be entitled "An Act applicable to the Counties of Mason, Menard, Kerr, Schleicher,

Crockett, Sutton, Kimble, Real, Edwards, Blanco, Llano, Kendall, Gillespie, El Paso, Hudspeth, Culberson, Val Verde, Kinney, Maverick, Terrell and Brewster, State of Texas; requiring a Resident Hunting License of any resident citizen of this State hunting in said Counties, with certain exemptions; requiring a Resident Fishing License of any resident citizen of this State fishing in said Counties, with certain exemptions; providing that no such fishing license shall be necessary in salt water; providing for the remittance to the Game, Fish and Oyster Commission of all funds collected under the provisions of this Act and providing for the disposition of same; providing suitable penalties for violation of any provision of this Act; repealing all laws, in so far as they conflict with any provision of this Act; providing the rule of construction, and declaring an emergency."

H. C. R. No. 94, Authorizing the Department of Public Health to avail itself of grants, donations, and gifts for the purpose of clearing the pollution prevailing in public streams of this State.

H. C. R. No. 106, Memorializing the Congress of the United States to enact a certain law requiring that all American produced cotton be sold on the net weight basis.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Committee Substitute for Senate Bill 32 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

C. S. S. B. No. 32, A bill to be entitled "An Act directing the Railroad Commission of Texas to inquire into the production of natural gas to determine whether or not waste or drainage is taking place; directing the Commission to prorate gas production when either waste or drainage is found to exist; defining certain terms; providing for the promulgation of rules and regulations; directing the Commission to limit the production of gas to an amount to supply statutory purposes; and declaring an emergency."

The bill was read second time.

Senator Small offered the following amendment to the bill:

Amend S. B. No. 32 by striking out the last word in line 28 and the first three words in line 29, and add in lieu thereof the following: "Containing more than 500,000 acres and producing both sweet and sour gas." And add after the word "exists" in line 30 the following: "in such common reservoirs"; and by striking out the article "a" in line 54 and insert in lieu thereof "any such".

The amendment was adopted by the following vote:

Yeas—24

Aikin	Moffett
Brownlee	Moore
Burns	Nelson
Collie	Pace
Cotten	Redditt
Graves	Roberts
Head	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Metcalf	Weinert

Nays—2

Martin	Sulak
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Absent

Beck	Van Zandt
Hardin	Winfield
Shivers	

Senator Small offered the following amendment to the bill:

Amend Section 3, S. B. No. 32, by adding a new paragraph, to read as follows:

In determining the total potential capacity of wells producing sweet gas in common reservoirs producing both sweet and sour gas and containing more than five hundred thousand acres, the Commission shall exclude from its calculation all wells producing gas that is unmerchantable for light and fuel. If the Commission, after notice and hearing, finds that the owner of any sweet gas well in such reservoir has no market for gas from such well for uses now authorized by law, and that it is impractical to market gas from said wells for light and fuel, the Commission may in its discretion issue a permit to the owner of such well, or wells, authorizing such owner to use the gas from

such well, or wells, in the same manner as sour gas is used, and so long as such permit is subsisting and outstanding, it shall be lawful for the owners thereof to so use such gas, but only in such amounts as the Commission may direct, and never in such amount as to cause undue or unreasonable drainage of adjoining properties.

(Senator Moffett in the Chair.)

Question—Shall the amendment be adopted?

Message from the House

A Clerk from the House was recognized to present the following Message:

Hall of the House of Representatives,
Austin, Texas,
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on S. B. No. 36. The following are conferees on the part of the House: Alsup, Bundy, Bell, Brown, of Cherokee, Hardin.

The House has passed the following bills and resolutions:

H. B. No. 61, A bill to be entitled "An Act amending Article 4604C of the Revised Texas Statutes requiring a medical certificate from the woman before a marriage license can be issued."

H. B. No. 108, A bill to be entitled "An Act conferring and relinquishing to the Supreme Court full rule-making power in Civil Judicial proceedings, repealing all laws and parts of laws governing practice and procedure in civil actions, such repeal effective on and after January 1, 1940, providing that no substantive law or part thereof is thereby repealed; authorizing and empowering the Supreme Court by general order to continue such statutes in force as rules of the Court; investing the Supreme Court with full rule-making power and fixing the time for such to become effective, and declaring an emergency."

H. B. No. 971, A bill to be entitled "An Act fixing the compensation of

Tax Collector-Assessor, County Clerk, District Clerk, Sheriff and County Auditor in all counties in this State having a population of not less than forty-eight thousand five hundred and forty (48,540), and not more than forty-eight thousand, five hundred and eighty (48,580), according to the last Federal Census, or any subsequent Federal Census; fixing mode and manner of payment of such salaries; fixing effective date; repealing all laws and parts of laws in conflict herewith, to the extent of the conflict only, and declaring an emergency."

H. B. No. 153, A bill to be entitled "An Act empowering the courts of the State of Texas having original jurisdiction of criminal actions to suspend the imposition or execution of sentence and to place defendant on probation under certain conditions; specifying conditions of probation which, among others, may be imposed; providing for investigation by Probation Officers, of the defendants seeking to come within the provisions of this Act; prescribing the period of probation and any extensions thereof; amending Articles 776, 777, and 778, Code of Criminal Procedure of Texas; providing for the discharge of defendants who have observed the conditions of probation imposed by the Courts and the legal effect of such discharge; providing for the arrest, with or without warrant, of defendants on probation, and for the reimposition of sentence without jury trial in the event the conditions of probation have been violated; providing that the Court may require bond of the defendant before releasing him on probation; and fixing the conditions of said bond; providing for the appointment of Probation Officers and the method thereof, and making provision for their compensation and for their necessary expenses, and making an appropriation therefor, and for the bonding of such Probation Officers as shall handle moneys; authorizing the removal or suspension of Probation Officers under certain conditions; requiring the services of such Probation Officers to be available, under certain conditions, to Judges of other Courts, and to Parole Boards in the State of Texas for supervision of paroled convicts; prescribing the duties of such Probation Officers and the powers of such Officers; providing that information obtained by said Officers shall be privileged; providing for the transfer of proba-

tioners from one district to another under certain conditions; directing the Commissioners Courts to provide office space for said probation Officers; designating "Chief" and "Assistant" Probation Officers; retaining the effectiveness of the present suspended sentence law as to all defendants now under such sentence; repealing Articles 776a, 779, and 780, Code of Criminal Procedure of Texas, but Articles 779 and 780 shall continue in effect as to all persons now at liberty under suspended sentence; repealing all laws or parts of laws in conflict herewith; providing that if any part of this Act is declared unconstitutional it shall not affect the validity of the remainder of the Act; and declaring an emergency."

H. B. No. 456, A bill to be entitled "An Act amending Article 7345, Chapter 10, Title 122, Revised Civil Statutes of the State of Texas, of 1925 as amended by Acts of the Forty-third Legislature, First Called Session, 1933, page 271, Chapter 98, as amended by Acts of the Forty-fourth Legislature, 1935, page 415, Chapter 165, Section 1, as amended by Senate Bill No. 477, Acts of the Forty-fifth Legislature, 1937, as amended by House Bill No. 456, Acts of the Forty-fifth Legislature, 1937, by adding thereto a new Article to be numbered 7345 d, conferring on Commissioners' Courts the power to reopen and reconsider any assessment for taxes, whether on the rendered or unrendered rolls, and whether current or delinquent upon the application of the owner of such property, or his duly authorized agent, when the assessment is alleged to be discriminatory, or the property rendered for more than its true taxable value, or where said property has greatly depreciated in value, or where by reason of the accumulation of taxes, penalties, interest and costs, enforced collection would be inequitable or confiscatory; providing for hearings on such applications, for certified copies of any such orders passed to be furnished the State Comptroller and assessor-collector; providing for the collection of penalties, interest and costs on adjusted assessments and prohibiting Commissioners' Courts from remitting such penalties, interest and costs; extending to incorporated cities and towns, independent school districts having their own assessor-collector and boards of equalization, irrigation

and water improvement districts, and all other governmental agencies the benefit of this Act, after proper ordinance, order or resolution, providing for a Board of Equalization in such cases, repealing all laws in conflict with this Act, and declaring an emergency."

H. C. R. No. 112, Authorizing a loan of certain highway equipment.

S. C. R. No. 20, Authorizing the Board of Control to place furniture and fixtures used by Texas Planning Board wherever needed for State use, etc., and declaring an emergency.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Conference Committee on House Bill 92

Senator Head called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 92.

Senator Head moved that the request of the House be granted.

The motion prevailed.

Recess

On motion of Senator Roberts, the Senate, at 11:55 o'clock a. m., took recess to 2:00 o'clock p. m. today.

Afternoon Session

The Senate met at 2:00 o'clock p. m. and was called to order by the President.

Resolution Signed

The President signed in the presence of the Senate, the following enrolled resolution:

S. C. R. No. 20, Authorizing Board of Control to dispose of furniture and fixtures of Planning Board.

House Bills on First Reading

The following bills, received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 938, to Committee on Game and Fish.

H. B. No. 946, to Committee on Counties and County Boundaries.

H. B. No. 958, to Committee on Game and Fish.

H. B. No. 960, to Committee on Game and Fish.

H. B. No. 962, to Committee on Education.

H. B. No. 969, to Committee on Criminal Jurisprudence.

H. B. No. 981, to Committee on Game and Fish.

H. B. No. 987, to Committee on State Affairs.

H. B. No. 988, to Committee on Criminal Jurisprudence.

H. B. No. 989, to Committee on Judicial Districts.

H. B. No. 991, to Committee on Game and Fish.

H. B. No. 996, to Committee on Game and Fish.

H. B. No. 997, to Committee on Game and Fish.

H. B. No. 1000, to Committee on Game and Fish.

H. B. No. 1001, to Committee on Public Lands and Land Office.

H. B. No. 1004, to Committee on Counties and County Boundaries.

H. B. No. 61, to Committee on Civil Jurisprudence.

H. B. No. 971, to Committee on Counties and County Boundaries.

H. B. No. 456, to Committee on State Affairs.

House Concurrent Resolution Referred

The following resolutions, received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. C. R. No. 94, to Committee on Game and Fish.

H. C. R. No. 106, to Committee on Agriculture.

H. C. R. No. 112, to Committee on Highways and Motor Traffic.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time by the chairmen whose names are signed thereto:

Austin, Texas,
April 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 622, A bill to be entitled "An Act amending Section 2, Article 2326e, of the Revised Civil Statutes of Texas, 1925, as amended, providing for salaries of reporters in certain counties; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REDDITT, Vice Chairman.

Austin, Texas,
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 672, by Cleveland, A bill to be entitled "An Act fixing salaries and compensation of County Commissioners in counties with a population of not less than fourteen thousand, nine hundred and one (14,901) inhabitants nor more than fourteen thousand, nine hundred and twenty (14,920) inhabitants, according to the last Federal Census, etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1004, A bill to be entitled "An Act providing and directing County Clerks, District Clerks, and other officials to issue certificates and certified copies of instruments in their respective offices to ex-service men of the World War and the Spanish-American War where such certificates and copies of instruments are necessary to be used in furthering claims and establishing proof of such ex-service men to such claims for compensation, or other claims to be established; defining ex-service men; repealing all laws and parts of laws

in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 945, A bill to be entitled "An Act providing that in certain counties that whoever shall enter upon the inclosed or uninclosed land of another without the consent of the owner, proprietor, or agent in charge thereof, and hunt with firearms or catch any game thereon, or thereon catch or take or attempt to catch or take any fish from any pond, lake, tank, or stream on said land, or in any manner depredate upon the same, or take or attempt to take any property from the inclosed or uninclosed property of another, shall be guilty of a misdemeanor; defining what constitutes "inclosed land"; and specifying that proof of ownership or lease or agency may be made by parol testimony; providing a penalty; providing exceptions; providing for arrest without warrant for same; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 884, A bill to be entitled "An Act declaring the Collared Peccary or Javelina a game animal; providing an open season for taking same and the number that may be taken or possessed; prohibited the sale of any Peccary or part of such animal; providing a suitable penalty; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Austin, Texas,
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 960, A bill to be entitled "An Act to create a police pension system for all cities in this State having a population of two hundred and ninety thousand (290,000), according to the preceding Federal Census; providing for the creation of a policemen's relief and retirement fund for such cities; providing that said fund shall be administered by a pension board; providing who shall participate in said pension fund; providing how said pension board shall be constituted, appointed, and organized, and providing the duties of said pension board, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 958, A bill to be entitled "An Act providing for a budget system in counties of three hundred and fifty thousand (350,000) inhabitants or more as shown by the last preceding Federal Census, and the procedure thereunder, and the enforcement thereof, and for reports with respect to said budget, and the finances of said counties; and providing for the contents of said reports and their publication; and repealing all laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 333, A bill to be entitled "An Act amending Article 875, Title 13, Chapter 6 of the Penal Code of the State of Texas of 1925, to include in the unprotected list certain birds not now included; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Austin, Texas,
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 938, by Bradbury, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot, or kill any deer and/or wild turkeys for a period of three (3) years in Taylor County, Texas; fixing penalties; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1,000, A bill to be entitled "An Act applicable to the Counties of Mason, Menard, Kerr, Schleicher, Crockett, Sutton, Kimble, Real, Edwards, Blanco, Llano, Kendall, Gillespie, El Paso, Hudspeth, Culberson, Vel Verde, Kinney, Maverick, Terrell, and Brewster, State of Texas; requiring a resident hunting license of any resident citizen of this State fishing in said Counties, with certain exemptions; excepting certain waters from the provisions of the Act; providing for the remittance of the Game, Fish and Oyster Commission of all funds collected under the provisions of this Act and providing

for the disposition of same, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WINFIELD, Vice Chairman.

Austin, Texas,
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 981, being A bill to be entitled "An Act repealing Section 5 of House Bill No. 1035, Acts of the Regular Session of the 45th Legislature regulating fishing in Wood County; and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

WINFIELD, Vice Chairman.

House Bill 672 on Second Reading

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 672 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 672, A bill to be entitled "An Act fixing salaries and compensation of County Commissioners in Counties with a population of not less than fourteen thousand, nine hundred and one (14,901) inhabitants nor more than sixteen thousand and one (16,001) inhabitants, according to the last Federal Census, as same now exists or may hereafter exist, and having an assessed valuation of not less than Seven Million, Four Hundred and Thirty-six Thousand (\$7,436,000.00) Dollars, nor more than Eight Million (\$8,000,000.00) Dollars, according to the last approved tax rolls, as same now exists or may hereafter exist; providing for the manner of payment of the salaries and the funds from which said salaries shall be paid; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 672 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 672 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Weinert
Martin	Winfield
Metcalf	

Absent

Head	Sulak
Nelson	

Absent—Excused

Van Zandt

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Weinert
Martin	Winfield
Metcalf	

Absent

Head	Sulak
Nelson	

Absent—Excused

Van Zandt

House Bill 1004 on Second Reading

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1004 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Burns	Nelson
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Weinert
Martin	Winfield

Absent

Pace	Sulak
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Absent—Excused

Van Zandt

On motion of Senator Burns and by unanimous consent, Senate Rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of H. B. No. 1004 at this time.

The President then laid H. B. No. 1004 before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 1004 on Third Reading

The President then laid H. B. 1004 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Cotten
Beck	Graves
Brownlee	Hardin
Burns	Head
Collie	Hill

Isbell	Redditt
Kelley	Roberts
Lanning	Shivers
Lemens	Small
Martin	Spears
Metcalf	Stone
Moffett	of Galveston
Moore	Weinert
Nelson	Winfield

Nays—1

Stone
of Washington

Absent

Pace Sulak

Absent—Excused

Van Zandt

**Report of Conference Committee on
House Bill 30**

Senator Metcalfe submitted the following report of the conference committee on H. B. No. 30:

Austin, Texas,
April 25, 1939.

Hon. Coke R. Stevenson, President of
the Senate;

and

Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on H. B. No. 30, have met and beg leave to recommend that said H. B. No. 30 be passed in the form hereto attached

Respectfully submitted,

PETSCH,
BELL,
MOHRMANN,
COCKRELL,
KING,

On the part of the House.

METCALFE,
SPEARS,
BROWNLIE,
WEINERT,

On the part of the Senate.

By Petsch.

H. B. No. 30.

A BILL**TO BE ENTITLED**

An Act amending Chapter 10, Special Laws, Forty-fourth Legislature, enacted in the year A. D. 1935; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 10, Special Laws, Forty-fourth Legislature, as enacted by the Legislature of the State of Texas in 1935, be amended so the same shall hereafter read as follows, to-wit:

"Article 6954a. Election as to domestic turkeys running at large. Upon the written petition of twenty-five (25) freeholders of any political subdivision of Blanco, DeWitt, Gonzales, Gillespie, Guadalupe, Parker and Wise Counties, the Commissioners Courts of such Counties shall order an election to be held in such subdivisions, which subdivisions shall be described in the petition and defined by the Commissioners Courts, on the day named in the order for the purpose of enabling the freeholders of such subdivisions to determine whether domestic turkeys shall be permitted to run at large in such subdivisions of such Counties. The requisites of the petition, the order of the Court, the order of the County Judge, the election and all proceedings thereunder shall be the same as prescribed in Articles 6957 to 6971, inclusive, of the Revised Civil Statutes of Texas, 1925, Title 121, Chapter 6, and all provisions thereof, relative to stock running at large, the impounding thereof, and the penalty therefor shall be applicable to domestic turkeys running at large in the event any such subdivision of said Counties shall by election prohibit the running at large of domestic turkeys by a vote as in such Statutes provided; provided that the fees for impounding domestic turkeys shall be Ten (10) Cents per day for each domestic turkey so impounded."

Sec. 2. The fact that there is now no law in certain Counties applicable to domestic turkeys running at large creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three (3) several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Van Zandt

Senate Bill 444 on Second Reading

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 444 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 444, A bill to be entitled "An Act providing for a rural school music supervisor in certain counties; prescribing the duties of said supervisor; prescribing the method of employing the supervisor; providing for removal of such supervisor by the County Board of School Trustees on recommendation of the County Superintendent; prescribing manner of fixing and paying salary; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 444 on Third Reading

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 444 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Cotten
Beck	Graves
Brownlee	Hardin
Burns	Head
Collie	Hill

Isbell	Roberts
Kelley	Shivers
Lanning	Small
Lemens	Spears
Martin	Stone
Metcalfe	of Galveston
Moffett	Stone
Moore	of Washington
Nelson	Sulak
Pace	Weinert
Redditt	Winfield

Absent—Excused

Van Zandt

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Van Zandt

Report of Standing Committee

Senator Moffett, by unanimous consent, submitted at this time the following report of the Committee on Counties and County Boundaries:

Austin, Texas,
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 649, by Donaghey, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all

laws and parts of laws, General and Special, in conflict herewith; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

House Bill 870 on Second Reading

On motion of Senator Redditt and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 870 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 870, A bill to be entitled "An Act creating Road District No. 4, of Tyler County, Texas, under authority of Article 3, Section 52 of the Constitution of Texas, for the purpose of the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes or in aid thereof; making it a body corporate and taxing district; describing said District by metes and bounds; reciting that it comprises a portion of the territory of Road District No. 2, of said County, which has outstanding road bonds, and declaring that it is not intended by the creation of Road District No. 4, to interfere in any manner with the functioning of said Road District No. 2; providing that such Road District shall have authority to issue bonds for the purpose of the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes or in aid thereof and levy ad valorem taxes in payment thereof, as contemplated by Article 3, Section 52, of the Constitution of Texas, when authorized by two-thirds majority vote of the duly qualified resident property taxpaying voters of said District; providing that such Road District shall be governed in the matter of issuing bonds and levying ad valorem taxes in payment thereof as provided by the General Laws of Texas and particularly Chapter 16 of the General Laws enacted by the Thirty-ninth Legislature at its First Called Session, in 1926, and amendments thereto; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 870 on Third Reading

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 870 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Weinert
Metcalf	Winfield

Absent—Excused

Van Zandt

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Weinert
Metcalf	Winfield

Absent—Excused

Van Zandt

House Bill 871 on Second Reading

On motion of Senator Redditt and by unanimous consent, the regular order of business was suspended, to

permit consideration of H. B. No. 871 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 871, A bill to be entitled "An Act creating Road District No. 5, of Tyler County, Texas, under authority of Article 3, Section 52 of the Constitution of Texas, for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes or in aid thereof, making it a body corporate and taxing district; describing said district by metes and bounds; reciting it comprises a portion of the territory of Road District No. 2, of said County which has outstanding road bonds, and declaring that it is not intended by the creation of Road District No. 5, to interfere in any manner with the functioning of said Road District No. 2; providing that such road district shall have authority to issue bonds for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes or in aid thereof and levy ad valorem taxes in payment thereof, as contemplated by Article 3, Section 52, of the Constitution of Texas, when authorized by two-thirds majority vote of the duly qualified resident property tax paying voters of said district; providing that such road district shall be governed in the matter of issuing bonds and levying ad valorem taxes in payment thereof as provided by the General Laws of Texas and particularly Chapter 16 of the General Laws enacted by the Thirty-ninth Legislature at its First Called Session, in 1926, and amendments thereto, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 871 on Third Reading

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 871 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Brownlee
Beck	Burns

Collie
Cotten
Graves
Hardin
Head
Hill
Isbell
Kelley
Lanning
Lemens
Martin
Metcalf
Moffett
Moore

Nelson
Pace
Redditt
Roberts
Shivers
Small
Spears
Stone
of Galveston
Stone
of Washington
Sulak
Weinert
Winfield

Absent—Excused

Van Zandt

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin
Beck
Brownlee
Burns
Collie
Cotten
Graves
Hardin
Head
Hill
Isbell
Kelley
Lanning
Lemens
Martin
Metcalf

Moffett
Moore
Nelson
Pace
Redditt
Roberts
Shivers
Small
Spears
Stone
of Galveston
Stone
of Washington
Sulak
Weinert
Winfield

Absent—Excused

Van Zandt

Report of Conference Committee on Senate Bill 221

Seantor Kelley submitted at this time the following report of the conference committee on S. B. No. 221:

Austin, Texas,
April 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House of Representatives:

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on S. B. No. 221, beg leave to report that we have considered the same,

and recommend that it do pass in the form and text as attached hereto.

Respectfully submitted,

KELLEY,
WINFIELD,
METCALFE,
STONE of Galveston,
SPEARS,

On the part of the Senate

HARDEMAN,
POPE,
CAUTHORN,
CELAYA,
LEYENDECKER,

On the part of the House.

By Kelley.

S. B. No. 221.

A BILL TO BE ENTITLED

An Act amending Article 1,302, Chapter 1, Title 32 of the Revised Civil Statutes of Texas, 1925, by adding thereto a new subdivision to be known as subdivision 104, providing for the creation of private corporations for the purpose of processing and securing wool, hair, and mohair for profit with authority to buy and sell wool, and mohair and to own, operate and maintain processing and scouring plants, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That a new subdivision be added to Article 1,302, Chapter 1, Title 32 of the Revised Civil Statutes of Texas, 1925, and the same shall hereafter read as follows:

"Subdivision 104. Corporations may be formed for the purpose of processing and scouring wool, hair, and mohair, for profit, and shall have the power and authority to buy and sell wool, hair, and mohair, and to own, operate, and maintain processing and scouring plants."

Sec. 2. The fact that under the present law authorizing corporations to be formed, no provision is made for incorporating for the purpose of processing and scouring wool, hair, and mohair, and buying and selling the same, and owning, operating and maintaining, processing and scouring plants necessary in connection with the transaction of such business; that such business is a vast and rapidly growing one in this State, and that it should be the policy of this State to encourage such business by immediately granting it

corporate privileges, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and it is hereby suspended, and this Act shall take effect and be in full force and effect from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Van Zandt

House Bill 722 on Second Reading

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 722 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 722, a bill to be entitled "An Act providing for the sum of money required for placing names on the primary ballot in certain counties, repealing all laws and parts of laws in conflict, and declaring an emergency."

The bill was read second time.

Senator Spears offered the following (committee) amendments to the bill:

(1)

Amend H. B. No. 722 by changing the words and figures two hundred ninety-two thousand five hundred and

forty wherever they appear in lines four and five and substitute in lieu therefor the words and figures "Three hundred and twenty thousand."

(2)

Amend H. B. No. 722 by striking out the word "a" on line 10 just before the word nomination and substitute therefor the word "the."

(3)

Amend H. B. No. 722 line 10 by striking out the following "for a State Senator or" and substitute in lieu thereof the word "as."

The amendments were adopted severally.

The bill was passed to third reading.

House Bill 722 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 722 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Beck	Nelson
Brownlee	Pace
Burns	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Sulak
Metcalf	Winfield
Moffett	

Nays—2

Aikin Collie

Absent

Head Weinert
Moore

Absent—Excused

Van Zandt

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

The Senate refused to pass the bill by the following vote:

Nays—25

Aikin	Lemens
Beck	Martin
Brownlee	Metcalf
Burns	Moffett
Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Stone
Isbell	of Galveston
Kelley	Sulak
Lanning	Weinert

Present—Not Voting

Nelson Winfield
Spears

Absent

Moore Stone
of Washington

Absent—Excused

Van Zandt

Senate Bill 438 on Second Reading

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 438 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 438, A bill to be entitled "An Act validating, confirming, approving and legalizing all bonds heretofore authorized by the necessary vote of the qualified voters of all cities or towns at an election, or elections, held during the year 1938. Providing this Act shall only apply to cities and towns acting under a home rule charter and which city or town did not at the time of the holding of said election, or elections, own any public utility and the assessed value of whose property for the purpose of taxation as shown by the tax rolls of such city or town for the year 1938 was not less than \$6,780,000.00 nor more than \$6,850,000.00, and provided this Act shall not apply to any such bond the validity of which has been contested or attacked in any pending suit or litigation, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 438 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 438 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Weinert
Martin	Winfield
Metcalfe	

Absent

Moore

Absent—Excused

Van Zandt

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Weinert
Martin	Winfield
Metcalfe	

Absent

Moore

Absent—Excused

Van Zandt

Senate Bill 439 on Second Reading

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. N. 439 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 439, A bill to be entitled "An Act validating and approving all proceedings had by cities and towns in amending their corporate charters so as to eliminate any requirements in said charter that any portion of the annual ad valorem tax levied in said city or town shall be provided for or set apart for the use of the Public Free Schools in said city or town, provided this Act shall only apply to cities and towns acting under a home rule charter and which charter sought to be amended provides that a portion of the annual ad valorem taxes levied shall be set apart for the use of the Public Free Schools; and further provided that this Act shall not apply to such cities and towns unless such amendment to the charter was voted during the year 1938 and prior to the voting of said amendment the control of the public Free Schools in such cities and towns had been separated from the jurisdiction of said cities and towns and such Public Free Schools were being operated under the control and jurisdiction of an independent school district, nor shall this Act be effective as to any city or town which did not during the year 1938 and prior to the voting of said charter amendment hold an election at which a majority of the votes cast authorized the issuance by said city or town of bonds to secure funds for making public improvements nor to any city or town in which the assessed value of property for the purposes of taxation as shown by the tax rolls of said city or town for the year 1938 was not less than \$6,780,000.00 nor more than \$6,850,000.00, and further provided this Act shall not apply to any such proceedings the validity of which has been contested or attacked in any pending suit or litigation, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 439 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 439 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Weinert
Martin	Winfield
Metcalfe	

Absent

Moore

Absent—Excused

Van Zandt

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Weinert
Martin	Winfield
Metcalfe	

Absent

Moore

Absent—Excused

Van Zandt

House Bill 981 on Second Reading

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 981 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Weinert
Martin	Winfield
Metcalfe	

Absent

Moore

Absent—Excused

Van Zandt

On motion of Senator Pace and by unanimous consent, Senate Rules 31 and 48 were suspended, and the regular order of business was suspended, to permit consideration of H. B. No. 981 at this time.

The President laid H. B. 981 before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 981 on Third Reading

The President then laid H. B. No. 981 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Weinert
Martin	Winfield
Metcalfe	

Absent

Moore

Absent—Excused

Van Zandt

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 113, Appointing a committee to investigate the possibility of erecting a State office building with the available cash of the Permanent School Fund.

The House has adopted the conference committee report on H. B. No. 613 by a vote of 117 ayes and 1 no.

The House has adopted the conference committee report on H. B. No. 30 by a viva voce vote.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

House Concurrent Resolution 113

The following resolution, received from the House today, was laid before the Senate; read first time, and referred to the committee indicated:

H. C. R. No. 113, Relating to additional office space for State departments.

The resolution was read; and on motion of Senator Brownlee and by unanimous consent, it was considered immediately.

The resolution was adopted.

Record of Vote

Senator Aikin asked to be recorded as voting "nay" on the adoption of the resolution.

House Bill 363 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 363 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 363, A bill to be entitled "An Act providing for instruction in Americanism and on the Constitution of the United States in all public and private schools located within this State, providing for supervision by the Superintendent of Public Instruction, providing for compulsory examination of students on Americanism and the Constitution of the United States, fixing a penalty for the willful neglect or failure on the part of the superintendent, principal or teacher to carry out the requirements of this Act and fixing the duty of the Superintendent of Public Instruction in carrying out the provisions hereof."

The bill was read second time.

Senator Aikin offered the following (committee) amendment to the bill:

Amend H. B. No. 363 by striking out all of Section 2 and inserting in lieu thereof a new Section 2, reading as follows:

"Sec. 2. In all State Universities and State-supported colleges there shall be installed a Chair of Americanism, teaching a brief history of the Constitution and the rise of representative government, stating the Constitution and amendments thereto in the simple language of the layman, and teaching parliamentary law. This section shall not apply to State Uni-

versities or State-supported schools that are now complying with the law requiring the teaching of the Constitution, and that are teaching parliamentary law."

Question—Shall the (committee) amendment be adopted?

On motion of Senator Collie, the bill was tabled subject to call.

Motion to Set Senate Bill 257 as Special Order

Senator Spears moved that S. B. No. 257 be set as special order for next Monday, May 1, 1939, immediately after conclusion of the morning call on that day.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—18

Beck	Metcalf
Burns	Moore
Cotten	Pace
Graves	Shivers
Hardin	Spears
Hill	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Winfield
Martin	

Nays—10

Aikin	Roberts
Brownlee	Small
Collie	Stone
Isbell	of Washington
Nelson	Weinert
Redditt	

Absent

Head	Moffett
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Absent—Excused

Van Zandt

Motion to Set Senate Bill 226 as a Special Order

Senator Hardin moved that S. B. No. 226 be set as a special order for next Monday, May 1, 1939, immediately after conclusion of the morning call on that day.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—18

Beck	Lanning
Brownlee	Lemens
Burns	Moore
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Stone
Head	of Galveston
Hill	Winfield
Isbell	

Nays—10

Aikin	Redditt
Kelley	Stone
Martin	of Washington
Metcalf	Sulak
Nelson	Weinert
Pace	

Absent

Moffett	Spears
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Absent—Excused

Van Zandt

Committee Substitute for Senate Bill 32 on Passage to Engrossment

The Senate resumed consideration of pending business, same being Committee Substitute S. B. No. 32, to regulate production of natural gas, on its passage to engrossment, with amendment by Senator Small pending.

Senator Small withdrew the amendment.

Senator Hill offered the following amendment to the bill:

Amend Committee Substitute S. B. No. 32 by striking out Section 3 and substituting in lieu thereof the following:

"Sec. 3. It shall be the duty of the Commission to inquire into the production of sweet gas from the various common reservoirs located in this State. When the Commission finds from the evidence introduced that cognizable and preventable drainage exists between tracts of land producing sweet gas and segregated as to surface position and common ownership, it shall be the duty of the Commission to determine the amount of recoverable sweet gas in place at the time of said hearing under each tract of land producing sweet gas in said common reservoir and after the determination of the

amount of recoverable sweet gas in place under each tract of land producing sweet gas and segregated as to surface position and common ownership, the Commission shall allocate to each tract said amount of recoverable sweet gas found to be in place thereunder, and after such determination it shall be unlawful for any person to produce from said tracts a greater amount of gas than so allocated thereto. The amount of sweet gas so allocated to each tract may be produced at such rates as may be desired so long as said production does not cause physical waste as defined in Chapter 120, Acts Forty-fourth Legislature, Regular Session.

(Senator Weinert in the Chair.)

Question—Shall the amendment be adopted?

**Motion to Reconsider Vote on
House Bill 722**

Senator Graves moved to reconsider the vote by which the Senate refused to pass H. B. No. 722 and asked to have the motion to reconsider spread upon the Journal.

Senate Bill on First Reading

By unanimous consent, the following bill was introduced, read first time, and referred to the committee indicated:

By Senator Brownlee:

S. B. No. 445, A bill to be entitled "An Act fixing salaries and compensation of County Commissioners in counties with a population of not less than ten thousand, two hundred and seventy (10,270) inhabitants nor more than ten thousand, two hundred and seventy-five (10,275) inhabitants, according to the last Federal Census, as same now exists or may hereafter exist, and having an assessed valuation of not less than Seven Million, Five Hundred and Fifty-six Thousand Dollars (\$7,556,000) nor more than Seven Million, Six Hundred Thousand Dollars (\$7,600,000), according to the last approved tax rolls, as same now exists or may hereafter exist; providing for the manner of payment of the salaries and the funds from which said salaries shall be paid; repealing all laws in conflict herewith; and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

Reports of Standing Committees

Senator Hardin, by unanimous consent, submitted at this time the following report of the Committee on Counties and County Boundaries:

Austin, Texas,
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 445, A bill to be entitled "An Act fixing salaries and compensation of County Commissioners in counties with a population of not less than ten thousand, two hundred and seventy (10,270) inhabitants nor more than ten thousand, two hundred and seventy-five (10,275) inhabitants, according to the last Federal Census, as same now exists or may hereafter exist, and having an assessed valuation of not less than Seven Million, Five Hundred and Fifty-six Thousand Dollars (\$7,556,000) nor more than Seven Million, Six Hundred Thousand Dollars (\$7,600,000), according to the last approved tax rolls, as same now exists or may hereafter exist; providing for the manner of payment of the salaries and the funds from which said salaries shall be paid; repealing all laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Senator Sulak, by unanimous consent, submitted at this time the following report of the Committee on Agriculture:

Austin, Texas,
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. C. R. No. 106,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SULAK, Chairman.

Adjournment

Senator Beck moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed by the following vote:

Yeas—14

Aikin	Martin
Beck	Moffett
Burns	Pace
Cotten	Redditt
Hill	Shivers
Lanning	Sulak
Lemens	Van Zandt

Nays—13

Brownlee	Nelson
Graves	Roberts
Hardin	Small
Isbell	Spears
Kelley	Stone
Metcalfe	of Galveston
Moore	Weinert

Present—Not Voting

Stone
of Washington

Absent

Collie	Winfield
Head	

The Senate, accordingly, at 4:20 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX**Reports of Committees on Engrossed and Enrolled Bills**

Austin, Texas,
April 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 167 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
April 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 397 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
April 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 89 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
April 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 309 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
April 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 240 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
April 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 44 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
April 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 99 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
April 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 41 carefully examined, compared and read, and find same correctly en-grossed.

LANNING, Chairman.

Austin, Texas,
April 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 176 carefully examined, compared and read, and find same correctly en-grossed.

LANNING, Chairman.

Austin, Texas,
April 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 194 carefully examined, compared and read, and find same correctly en-grossed.

LANNING, Chairman.

Austin, Texas,
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-rolled Bills, have had S. B. No. 443 carefully examined, compared and read, and find same correctly en-rolled.

STONE of Galveston, Chairman.

Austin, Texas,
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-rolled Bills, have had S. B. No. 326 carefully examined, compared and read, and find same correctly en-rolled.

STONE of Galveston, Chairman.

FIFTY-EIGHTH DAY

(Wednesday, April 26, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Winfield

Absent—Excused

Weinert

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Weinert was granted leave of absence for today on account of important business, on motion of Senator Pace.

Reports of Standing Committee

Senator Van Zandt, by unanimous consent, submitted at this time the following reports of the Committee on Civil Jurisprudence:

Austin, Texas,
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 612, A bill to be entitled "An Act amending Article 600a of Vernon's Revised Civil Statutes of Texas, 1925, such Article being the Acts of 1935, Forty-fourth Legislature, Page 255, Chapter 100, by adding another Section to Article 600a to be known as Section 33a; providing that every sale or contract of sale of any security in violation of any provision of Chapter 100 of the General Laws of Texas, 1935, shall be voidable at the election of the purchaser;